IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL WRIT PETITION NO. 2735 OF 2005

Dr. Balkrishna Raghunath Shete .. Petitioner

Vs.

Sharad Sandipan Virkar and ors. .. Respondents

Ms. Shilpa G. Talhar h/f Mr. R.S. Kate for Petitioner.
Ms. A.S. Pai, APP for Respondent Nos.5 & 6-State.

CORAM : B. H. MARLAPALLE &
SMT. R.S. DALVI,JJ.

Date : February 28, 2006.

P.C.:

1. In this petition filed under Article 226 of the Constitution the petitioner has prayed for transfer of investigation into his complaint to CID Kolhapur from the officer in-charge of Mhaswad Police Station in Satara District.

2. We have noted that the respondent no.5 had undertaken the investigation as per the orders passed by the learned Judicial Magistrate, First Class at Mhaswad on 22/7/2005. Mrs. Pai, the learned APP has placed on record the affidavit of Mr. Shankar Maruthi Mali, Asstt. Police Inspector attached to the Mhaswad Police Station and as per the said affidavit MCR No.15 of 2005 came to be registered for the offences

punishable under Sections 403, 405 and 420 of I.P.C. as per the order passed by the learned JMFC at Mhaswad on 22/7/2005 and on completion of the investigation Final Report No.3 of 2006 has been forwarded for "C" summary to the court of the learned JMFC at Mhaswad on 31/1/2006. The court below has already issued notices to the parties and made returnable on 1/3/2006. The petitioner-complainant will have to thus appear before the court on 1/3/2006.

3. Under these obtaining circumstances we do not see any necessity to entertain the petition at this stage and if the petitioner is not satisfied with the investigation report, he has the forum to say so before the learned JMFC.

4. The petition is, therefore, rejected.

(Smt.R.S. Dalvi,J.) **(B.H. Marlapalle, J.)**